
SHARED WORDS, DIFFERENT WORLDS: DEFINITIONAL DRIFT IN CONTEMPORARY ISLAMIC LAW

Ahmed Twabi

International Open University

ABSTRACT

This paper introduces the concept of definitional drift—a form of semantic misalignment in which scholars and lay Muslims use the same jurisprudential terms but imagine different objects. Whereas classical fiqh assumed semantic stability and employed principles such as 'urf (custom) and zaman (temporal context) to preserve relevance, contemporary conditions reveal simultaneous, competing definitions within a single community. This study makes three contributions. First, it formally distinguishes definitional drift from classical 'urf, framing it as a synchronic divergence rather than a diachronic adaptation. Second, it empirically demonstrates this phenomenon through a small exploratory survey of 60 Muslims, which probes their perceptions of music and nasheed. The results show that lay classifications are guided not by traditional fiqh categories but by cultural aesthetics, sonic form, and performer identity, leading to rulings that are formally sound yet porous in practice. Third, it proposes a methodological response: revitalizing 'urf through empirical tools, adopting function-based rather than form-based definitions, and institutionalizing semantic diligence within fatwā bodies. By naming and theorizing definitional drift, the paper provides an original framework for understanding why certain rulings fail to bind and outlines concrete pathways for re-

anchoring contemporary fiqh in the lived semantic realities of Muslims.

Keywords: *Definitional drift; 'Urf in fiqh; Porous fatāwā; Contemporary Islamic jurisprudence; Music and nasheed.*

Corresponding author: Ahmed Twabi can be contacted at itwabi@gmail.com

1. INTRODUCTION

In the science of Islamic jurisprudence (*fiqh*), the principles of '*urf* (prevailing custom) and *zaman* (the spirit and conditions of the time) safeguard the law's capacity to remain relevant across changing eras and societies (Kamali, 2003). Classical jurists recognized that social practices, economic tools, and cultural norms are not static, and they took these shifts into account when reapplying or reframing existing rulings (Andriyaldi, 2022). A competent scholar (*'ālim*) has always borne the responsibility of staying attuned to the lived customs of their community, observing how words are used, how objects are understood, and how acts are perceived, so that any new ruling rests upon an accurate reading of the present reality.

In this paper, I address a critical challenge to this jurisprudential process: what happens when the scholar's perception of a custom no longer matches the community's own understanding of it? What if, despite sharing the same language and the same religion, scholars and society quietly diverge in the meanings they attach to key terms? Such a dissonance risks more than scholarly embarrassment. It can produce rulings that, while jurisprudentially sound within their own frame, fail to bind

hearts and minds, are misunderstood by the public, resisted in practice, or circumvented through semantic loopholes. It is this specific phenomenon that is termed here as definitional drift: a semantic misalignment in which the laity's lived definition of a term and the scholar's presumed definition no longer coincide. Unlike the classical applications of *'urf* and *zaman*, which assume a shared frame of reference between jurist and society, definitional drift occurs precisely when that shared frame collapses, creating a paradox of a shared religious vocabulary that conceals divergent conceptual universes.

Our objective here is to examine this dissonance, its roots, manifestations, and implications for contemporary *fiqh*. To do so, I draw in part on a small exploratory survey of approximately sixty Muslims, in which their perceptions of music, nasheed, and the relevant rulings that govern them were queried. The goal of this survey is not to make categorical statistical statements; instead, it aims to expose the conceptual fractures and semantic confusion that surround this category, providing concrete evidence of the definitional drift at play. Preliminary responses revealed striking divergences in how Muslims today define terms like 'music' and 'nasheed', a disconnect with direct implications for *fiqh* rulings. This case study illustrates how definitional drift distorts not only the reception of a ruling but the very categories it aims to regulate, leading to what will be termed "porous *fatāwā*."

The implications of such a drift are far-reaching. They address the credibility of *fatwā* institutions, the ethical coherence of public religious life, and the practical authority of the law itself. Then, I will proceed by first establishing the classical assumption

of semantic stability in *fiqh*, then formally defining the problem of definitional drift and its associated risks. I will then present a detailed analysis of the survey data as a case study in the auditory realm, anatomize the resulting porous *fatāwā*, and conclude with methodological recommendations for re-anchoring jurisprudential discourse in the lived reality of contemporary Muslims. By naming and framing this problem, the aim is to ensure that Islamic law remains not only anchored in timeless principles but articulated in a language that resonates with the people it seeks to guide.

2. REVIEW OF LITERATURE

2.1 'Urf as a Tool of *Fiqh*

In the architecture of *fiqh*, the *ta'rif* (definition) of a subject is not peripheral; it is the keystone upon which the entire legal edifice rests. A ruling (*ḥukm sharī*) is never passed on a mere word; it is passed on the legally constructed *maḥall al-ḥukm*, the precisely circumscribed object of judgment (Kamali, 2003). The *ta'rif* fixes its boundaries, clarifying what is included (*mā yadkhul fihi*) and what lies outside (*mā lā yadkhul fihi*). The *ḥukm* is only as sound as the stability of this definitional frame. If the jurist defines *ghinā'* as "vocal performance accompanied by prohibited instruments," then the entire legal discussion, its evidence, conditions, and exceptions, rests upon that exact scope. Alter the scope, and the ruling may no longer fit the act being judged.

Classical jurists developed a range of methodological tools to refine and preserve these definitional boundaries, one of which is *'Urf*. *'Urf* served as a living measure of social meaning, ensuring that terms reflected what people recognized in their

dealings (Ghani, 2011). This principle, which holds that local custom can be a deciding factor in legal rulings where primary texts are silent or general, is a core component in the contemporization of *fiqh*, particularly in the realm of social dealings (*mu'āmalāt*) such as business, family, and entertainment (Andriyaldi, 2022). 'Urf is grounded in the observation that societal forms, whether temporal (*zamāniyya*) or spatial (*makāniyya*), shift over time and across different places (Jalili et al., 2024).

The great Mālikī jurist al-Qarāfī, in his work *al-Furūq*, famously warned the *muftī* against neglecting the lived reality of the people: "Do not bind them to what you imagine; bind them to what they themselves live" (Andriyaldi, 2022). Here, 'urf is not a concession to popular whim, but a recognition that law, to remain just, must speak in the language of its time and place. This sensitivity to social context is an indigenous principle, demonstrating that a jurist must master not only the legal texts (*fiqh al-nash*) but also the reality into which those texts are applied (*fiqh al-wāqi'*) (Kamali, 2003).

2.2 The "Semantic Stability Assumption"

Underlying all this was an unspoken assumption that can be termed the semantic stability assumption: that the laity and the scholars shared the same conceptual map of the subject under judgment. Classical *fiqh* literature offers no extended treatment of what happens if this map diverges in the current, because it was assumed that textual and semantic continuity bound the community together. When a 10th-century jurist wrote about *dīnār*, both scholar and merchant envisioned the same gold coin. When jurists debated *taswīr* (representation of living beings),

both the issuing *muftī* and the artisan shared a materially identical referent (Muslimin et al., 2021). Here is where *'urf* and *zaman* operate in the classical frame. They address changes in circumstance and practice that require reapplication of an existing ruling. This represents a diachronic shift, or a change over time. If currency changes from a gold *dinar* to paper notes, *'urf* tells the jurist to extend the ruling on currency to the new form, because both scholar and laity still mean the same thing when they say “currency” (Hidayat, 2025).

By contrast, definitional drift, as described in this paper, concerns synchronic divergence: a semantic misalignment in which the same term carries different referents for scholars and laity at the very exact moment. A jurist may invoke *nasheed* with the image of unaccompanied devotional poetry, whereas a lay listener associates it with studio-produced tracks that are layered with vocals and subtle instrumentation. The contribution of this study lies in identifying this overlooked phenomenon and situating it within, yet distinct from, the classical principle of *'urf*. Whereas *'urf* assumed a shared definitional horizon between jurist and community, definitional drift exposes what happens when that horizon fractures. By naming and framing this problem, the paper highlights the risks of miscommunication and misapplication that arise when semantic drift undermines the stability of legal categories, signaling an urgent need for renewed attentiveness to the lived meanings of *fiqh* in contemporary Muslim societies.

3. METHODOLOGY

This study employs a qualitative-diagnostic methodology that combines textual analysis of classical *fiqh* principles with an

exploratory survey to uncover semantic fractures in contemporary Muslim practice.

3.1 Textual and Jurisprudential Analysis

The first stage analyzed classical sources in *uṣūl al-fiqh* and substantive rulings to identify the historical assumption of semantic stability. Key juristic tools ('urf, *maṣlaḥa*) were reviewed to examine how definitions (*ta'rif*) and boundaries (*maḥall al-ḥukm*) were historically managed. This provided the normative baseline against which contemporary divergence was assessed.

3.2 Exploratory Survey

To empirically demonstrate definitional drift, a small-scale survey was conducted with 61 Muslim respondents from diverse geographical and cultural backgrounds, predominantly from Malawi (59%) and Japan (21%). The remaining percentage is shared amongst respondents from various other countries, such as from the Americas and Europe. The survey was administered online and can be accessed here: [Link to Survey](#). Its design included:

- a. Belief Questions: probing attitudes toward music and nasheed, perceptions of instruments, content, and context.
- b. Affective Questions: measuring feelings of guilt, peace, shame, or divine consequence associated with listening habits.
- c. Classification Tasks: presenting five carefully chosen audio clips representing hybrid forms (Western pop with Islamic theme, duff-only devotional song, Afro-beats

without instruments, devotional rap, and secular a cappella). Respondents were asked to classify each as “nasheed,” “not nasheed,” or “not sure.”

3.3 Analytical Framework

Responses were analyzed thematically and quantitatively, with attention to how classification patterns revealed misalignment between scholarly definitions and popular perceptions. Particular focus was placed on the role of instrumentality, lyrical content, genre aesthetics, and performer identity as operative criteria. These results were then interpreted through the lens of definitional drift and its outcome, porous *fatāwā*.

3.4 Limitations

The survey is exploratory in scope and not statistically generalizable. Its purpose is diagnostic: to illustrate conceptual fractures that warrant attention, rather than to claim representativeness across the global Muslim community. The modest sample size and self-selection bias are acknowledged; nevertheless, the results serve as an empirical probe into the semantic instability of key *fiqh* terms in contemporary discourse.

By combining jurisprudential theory with empirical diagnosis, this methodology demonstrates how definitional drift arises in practice and proposes pathways for scholars to address it through renewed semantic diligence and interdisciplinary *ijtihād*.

4 ANALYSIS

4.1 Formal Definition of Definitional Drift

I use definitional drift to name a precise juridical problem: the state in which the operative definition a scholar employs for the *mahall al-ḥukm* diverges in a stable and patterned way from the operative definition held by the lay community for the very same word or practice. In *fiqh*, a ruling is always passed upon a defined object, an object that carries a history, recognizable attributes, a typology of forms and sub-forms, and boundary conditions that mark what falls inside and what lies outside the category. Classical jurists constructed this object through *ta’rif* (definition) and *taqṣīm* (division), through identifying genus and differentia, and through the twin operations of *taḥqīq al-manāṭ* (ascertaining the effective cause in real cases) and *tanqīḥ al-manāṭ* (refining that cause when the evidence was mixed) (Jalili et al., 2024).

However, when society shifts, new types emerge within old genera. Online buying and selling remains *bay’*, yet its contemporary forms include e-commerce carts, automated escrow, and click-wrap consent. Currency remains *naqd*, yet for many lay Muslims, it now comprises stored-value points, stablecoins, and in-game tokens convertible to cash. If the scholar defines the subject by reference to yesterday’s exemplars while the laity defines it by today’s, the two sides begin to speak past one another. This is definitional drift, not mere ignorance among the laity nor negligence among scholars, but a structural divergence in the semantic construction of the legal object itself, where the same word persists. At the same

time, its referents, sub-types, and boundary conditions silently diverge.

To make this fully explicit, the following formal description is proposed. Definitional drift occurs when the scholar's *ta'rif* of a subject *S* and the public's *ta'rif* of *S* diverge across one or more of these dimensions:

- a. The historical narrative that gives *S* its identity.
- b. The typology of *S*, including newly emergent forms.
- c. The scope conditions that delimit *S*, including thresholds, exceptions, and proxies.
- d. The concrete examples that ordinary people use to recognize *S* in daily life.

Where such divergence persists, the *ḥukm* that rests on the scholar's *S* will not reliably bind the laity's *S*.

4.2 Definitional drift vs 'Urf: Delineating the Subtle Difference

Definitional drift differs from *'urf* in that the latter addresses diachronic change, shifts in practice and meaning that unfold over time. In contrast, definitional drift is about synchronic misalignment, when scholars and laity use the same term but imagine different objects at the exact moment. This occurs when each draws from divergent semantic reservoirs: the jurist from the tradition of classical debates, the laity from popular cultural formations, digital media, and localized subcultures (Alasmari & M Aljohani, 2024; Anggreani & Rafi'i, 2025; Zaid et

al., 2022). I frame definitional drift as a refinement within ‘urf: it highlights that no necessary alignment exists between the jurist who applies ‘urf and the community that receives the ruling.

The problem is not the inability to extend ‘urf to new causes, but the failure of a *fatwā* to bind because lived customs, their practical forms, emotional resonance, and identity stakes have been overlooked. This produces two operative definitions, one scholarly and one popular, that coexist in the same society. Left unaddressed, such drift can harden into a broader generational shift in ‘urf. Whether through technological innovation, aesthetic shifts, or globalized associations (Al-Mansouri, 2025), the result is a structural divergence in meaning: ‘adl is reimagined as emotional parity, or *taswīr* is viewed as a digital filter rather than a carved idol. Here, the classical tools of *fiqh*, built on the assumption of semantic stability, encounter a subtler threat to the integrity of legal rulings.

4.3 Porous *Fatāwā* and its Risks

I define a porous *fatwā* as a ruling that retains formal validity within its inherited definitional frame yet fails to cover the lived range of the subject because key types, boundary conditions, or practical examples have not been considered. The image is deliberate: the ruling holds, but it contains holes. This porosity often arises from a failure of *taḥqīq al-manāṭ*, a misidentification of the reality to which the ruling is being applied, caused by unacknowledged definitional drift.

When definitional drift is present, three risks follow. First, a misunderstanding occurs when the public hears a prohibition or permission but misinterprets it as applying to a different object.

A ban on “instruments” may be taken to exclude digital signal chains even when they reproduce the timbre and rhythmic force of the very instruments under question.

Second, resistance. A ruling that addresses a world that people do not recognize feels unjust or out of touch. Confidence in the issuing body erodes, and selective obedience becomes more prevalent. This is a recurring theme in online forums where lay Muslims often express that scholarly opinions seem disconnected from their lived experiences (Anggreani & Rafi'i, 2025). A *fatwā* on ‘*adl* in polygyny that recognizes only financial parity while ignoring claims of emotional devastation can lead believers to dismiss the ruling as morally deficient (Ridwan et al., 2024).

Third, circumvention. The holes in a porous *fatwā* invite workarounds that preserve the letter while defeating the objective. The laity are not always acting out of rebellion; often, they proceed from a genuine belief that their new practice (e.g., a *nasheed* with vocal percussion) is not what the prohibition intended to cover.

4.4 Sources of Scholar–Laity Semantic Misalignment

4.4.1 Classical Textual Framing vs. Modern Social Use

Classical definitions of concepts like *ghinā'* (singing) or *lahw* (idle diversion) emerged in contexts of live, acoustic performance. Applying them to globally streamed, algorithmically curated, and digitally produced soundscapes require re-examining the object itself (Alkan, 2024; Duarte, 2024). Today, a *muftī* must assess four layers before ruling: the classical definition, its lived form in its own time, its current global manifestation, and its

current expression among Muslims. Skipping any layer risks issuing *fatāwā* on phantoms.

4.4.2 Precedent as Overreliance

While *taqlīd* safeguards continuity, precedent can harden into a substitute for fresh *tahqīq al-manāṭ*. A ruling derived from contexts where bowing signified ritual prostration may be misapplied to Japanese greetings, treating distinct acts as identical. Precedent must be re-anchored through renewed verification, not mechanically transplanted.

4.4.3 Geographic and Generational Gaps

Place and age reshape meaning. A scholar in one region may misread norms elsewhere, while younger Muslims inhabit digital subcultures, such as the “nasheed aesthetic” of social media, that older jurists cannot easily decode (Zaid et al., 2022; Duarte, 2024). Without deliberate cross-generational listening, rulings miss their intended audience.

4.5 Arenas Most Vulnerable to Definitional Drift

Some *fiqh* categories, such as inheritance or prayer times, resist definitional drift due to their stable referents. However, areas with culturally, technologically, or morally dependent referents are prone to drift, leading scholars and laypeople to interpret the exact words differently.

4.5.1 Cultural-Aesthetic Terms

Cultural-aesthetic terms such as *ghinā'* (music), nasheed, *taswīr* (representation), and Islamic art are among the most volatile in *fiqh* because their boundaries shift in response to changing

artistic conventions, production technologies, and social reception. In the classical frame, nasheed referred to unaccompanied devotional poetry and *ghinā'* to singing linked to *lahw* (idle diversion) (Alkan, 2024), yet in lay usage today, nasheed has become a commercial product within the halal entertainment industry, shaped by global pop aesthetics, digital layering, and synthetic percussion (Deuraseh & Bte Pg Mohd Anuar, 2023). As a result, a *fatwā* permitting nasheed in its classical sense may be heard by audiences as sanctioning works the jurist never intended. A similar drift affects *taswīr*: once restricted to hand-crafted likenesses, it now includes photography, AI renderings, deepfakes, and 3D scans. While a layperson may treat such products as “just art,” a scholar relying on precedent may still classify them as *taswīr* (Hawramani, 2018). This divergence forces renewed questions about whether the prohibition’s *illa* lies in the act of creation, the realism of the image, or its potential for veneration. When *fatāwā* prohibit “images” without clarifying whether agency, medium, or purpose is decisive, they inevitably leak across these shifting aesthetic boundaries.

4.5.2 Social Norms & Ethics

Social–ethical terms such as ‘*adl* (justice) in polygyny, *hayā'* (modesty), and parental roles are especially prone to drift because they evolve in response to shifts in gender norms, family structures, and moral sensibilities. Classical definitions of ‘*adl* in polygyny emphasized measurable equality—support, nights, housing, and clothing—yet many Muslims today may also include emotional parity in this concept of justice, informed by modern discourses on psychology and well-being (Jalili et al.,

2024). Thus, a *fatwā* affirming polygyny under “justice” may be heard as requiring emotional equality, creating a dangerous gap: men can fulfill the scholar’s standard while violating the laity’s, and critics dismiss the ruling as morally deficient. A similar drift affects *ḥayā*: once encompassing inner disposition and outward practice, it is now often reduced to dress codes, while the broader ethic of speech, humility, and conduct recedes. In the digital age, new questions arise: how modesty applies to online personas, influencers, and mediated presence. A *fatwā* on hijab that ignores these realities risks porosity, as it fails to account for how piety and public image are actively negotiated on social media (Saputra & Asbi, 2025).

4.5.3 Technology & Innovation

Technology and innovation, such as AI-generated content, NFTs, surveillance systems, smart contracts, and digital currencies, are highly vulnerable to definitional drift because terms forged in pre-digital contexts are now applied to phenomena their framers never envisioned. Referents mutate so rapidly that even scholars attentive to ‘urf struggle to keep pace, while the laity’s vocabulary detaches from classical categories. For instance, classical *taswīr* presumed a human artisan crafting likenesses. Nevertheless, AI now produces lifelike portraits, synthetic voices, and even sermons, raising unresolved questions about what constitutes “image,” “voice,” or even “knowledge” (Hawramani, 2018). Similarly, classical prohibitions on *tajassus* (spying) imagined personal intrusion, whereas today’s believers may not recognize state metadata collection, algorithmic tracking, or facial recognition as “spying” at all. Without new *ijtihād* that redefines these categories in

functional terms, *fatāwā* risk irrelevance, leaving entire domains of digital practice morally unexamined.

Across these domains, three common traits make definitional drift likely: referent instability, semantic layering, and high emotional or economic stakes. In each arena, a porous *fatwā* can normalize acts the scholar would prohibit, alienate conscientious believers by misclassifying their practice, or leave moral harms unaddressed. These vulnerabilities demand proactive semantic alignment before issuing rulings.

5. RESULTS AND DISCUSSION

5.1 Case study: Perceptions on nasheeds and music

In this section, I use a small, diagnostic survey of 61 predominantly young, digitally native Muslims to illustrate the phenomenon of definitional drift in the nasheed/music debate. The aim is not statistical generalization but to reveal conceptual fractures and semantic confusion. Suppose even a small group struggles to agree on what counts as nasheed, any *fatwā* issued without a socially tested definition risks porosity. I do not seek to resolve the longstanding *fiqh* debate on the permissibility of music; instead, I employ it as a lens. Its porous boundaries vividly expose how scholarly *ta'rif* and lay understandings diverge, a dynamic that applies equally to other domains, such as finance.

5.1.1 Diagnostic Findings: A Portrait of Conceptual Disarray

The survey was structured to probe beliefs, emotions, and classification habits when participants were confronted with real audio clips to classify whether they were a nasheed or not. Results from all five audio samples are summarized below.

Table 1. Classification of Audio Samples by Respondents (%)

Audio Sample	Description	% Nasheed	% Not nasheed	% Not Sure
Audio 1: "Ramadan" (Rauf & Faik)	Western pop soundscape, Islamic theme, Instruments used	26.2%	45.9%	27.9%
Audio 2: "Assalamu 'Alayka" (Maher Zain, duff-only)	Devotional Arabic lyrics, Uses duff, Well-known Islamic star	54.1%	21.3%	24.6%
Audio 3: "Africa Li the World" (Muslim Belal)	Afro-beats style, No instruments (hummed beats), general message (song about home)	21.3%	60.7%	18.0%
Audio 4: "Why Won't You Pray" (No Beats Necessary)	Purely vocal, No Instruments, Devotional rap, Islamic message	26.2%	31.1%	42.6%
Audio 5: "Nothing Else Matters" (VoicePlay)	Secular a cappella, Western rock song, general message (song about life)	44.3%	31.1%	24.6%

Source: The author's own work.

The most striking finding is the high “Not Sure” rates, especially for hybrid forms like Audio 4 (42.6%). This uncertainty signals not ignorance but categorical collapse: existing mental models of “nasheed” versus “music” are insufficient for today’s diverse soundscape. It is a clear symptom of definitional drift, indicating that old binaries are no longer valid. Rather than dismissing this as lay confusion, jurists should recognize it as a warning that their definitions may no longer align with lived reality.

5.1.2 *The Instrumentality Illusion: When Form Trumps Function*

The survey exposes a profound contradiction in lay understandings of music’s permissibility. A substantial majority (85.2%) hold that melodic content with instruments is *harām*, with “instruments” identified as the central problem (42.6%). However, when asked if nasheeds may include instruments, nearly three-quarters (73.7%) affirmed or allowed for exceptions; this inconsistency is underscored by the classification of Audio 5, a secular a cappella cover, which 44.3% of respondents considered a “nasheed.” Here, the absence of a physical instrument as well as neutral lyrical content or ethical effect was enough to mark it as permissible. This reveals what may be termed “sonic essentialism” or the “sonic switch”: the category of “nasheed” functions as a cognitive toggle that neutralizes the prohibition associated with music.

Modern production techniques such as beatboxing, layered harmonies, and digital vocal effects exploit this switch by replicating the sonic and emotional force of instruments while remaining formally “vocal-only.” As a result, *fatāwā* that prohibit “instruments” collapse into tool-policing, missing the functional

and affective dimensions they were meant to regulate. The drift between scholarly and lay definitions thus creates a loophole whereby an entire industry can flourish under the guise of permissibility, delivering the same experiential payload as prohibited music.

If you think some rhythmic or melodic content is haram, what makes it problematic?
61 responses

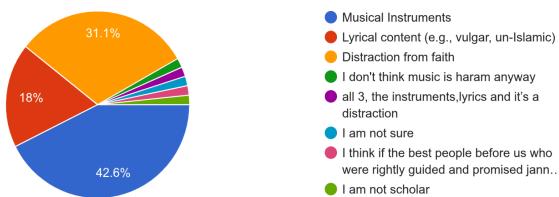


Figure 1. Showing the distribution of responses to the question of what makes music problematic in Islam. Here, 42.6% indicated musical instruments as the main issue.

5.1.3 *The Axis of Confusion: Content, Genre, and Identity*

The audio classification tasks reveal persistent ambiguity in how respondents delimit “nasheed,” especially in their treatment of Audio 3 (Afro-beats). Despite being voice-only and by a Muslim artist with a non-devotional message about home, it has an afrobeat aesthetic undertone, such that 60.7% did not classify it as a nasheed, suggesting that the cultural form overrides the absence of instruments. An Arabic nationalist song with similar themes might be treated differently, implying that aesthetic and cultural familiarity play a larger role in classification than instrumentality alone.

Respondents were divided on Audio 4 ("Why Won't You Pray," "No Beats Necessary"), a purely vocal, instrument-free track with explicit Islamic devotional lyrics and a rap aesthetic: 31.1% did not consider it a nasheed, 26.2% considered it a nasheed, and 42.6% were unsure. The high "not sure" percentage suggests a dispute where rap aesthetics make the piece "music" despite its Islamic content and lack of instruments. This indicates that genre cues often rival content and production in determining permissibility. Conversely, Audio 5 (VoicePlay's "Nothing Else Matters"), a secular a cappella rock song, was accepted as nasheed by 44.3%, with 31.1% calling it not nasheed and 24.6% unsure. Here, the a cappella form appears to supersede the neutral lyrics for many, rendering "voice-only" a proxy for "nasheed," even with neutral themes.

The two anchor items clarify the ambiguity. Audio 1, "Ramadan" (Rauf & Faik), a heavily instrumented Western pop song with an Islamic theme, was largely not considered a nasheed (45.9% not a nasheed, 26.2% a nasheed, 27.9% unsure), indicating that religious themes alone do not consistently outweigh instrumental aesthetics. Audio 2, Maher Zain's "Assalamu 'Alayka" (Arabic, duff-only), achieved the highest nasheed consensus (54.1% nasheed, 21.3% not nasheed, 24.6% unsure), demonstrating the stabilizing effect of a familiar "Islamic nasheed" template.

Here, we see that many perceive "nasheed" by its vocal-only sound, rather than its devotional content. Simultaneously, Rap and Afro-beats are often termed "music" even when devotional and instrument-free, while secular a cappella is labeled "nasheed" despite neutral lyrics. This prioritization of form over

content, or sound over message, exemplifies "definitional drift." Consequently, rulings based solely on instrumentality or content fail because they do not address how laypeople actually categorize "nasheed" and "music" based on form, affect, and production, rather than juristic criteria.

5.1.4 The Moral Psychology of Ambiguity: Guilt, Peace, and Cognitive Dissonance

The survey's affective data reveals a tangled moral psychology around music consumption. Many respondents report negative emotions: 36.1% "strongly agree" they feel guilty, 23.0% feel ashamed to admit listening before other Muslims, and nearly half (49.2%) believe God will punish those who produce or consume such content. However, the experience is not uniformly negative: while the modal response to feeling "peaceful and emotionally moved" was neutral (29.5%), 41.0% agreed to some degree. This coexistence of guilt, shame, and fear alongside peace and inspiration signals cognitive dissonance.

Consequently, God will punish humans for producing and listening to melodic content that isn't Nasheeds
61 responses

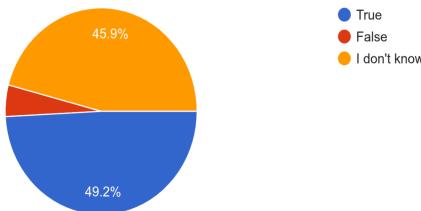


Figure 2. Showing the distribution of responses to the question on whether the sin of music is punishable

Such dissonance is a psychological consequence of definitional drift. Ambiguous legal categories fail to foster stable ethical dispositions (*akhlāq*), instead producing cycles of consumption for relief, followed by guilt and concealment. Rather than cultivating *sakīnah* and resilience, porous rulings create anxiety and ambivalence, leaving Muslims unclear about what precisely is prohibited. The result is not just a legal gap but a pastoral one: spiritual ambiguity that undermines the formation of a confident and coherent Muslim identity.

5.2 The Anatomy of Porous *Fatāwā*: A Typology of Leaky Rulings

The survey reveals definitional drift in jurisprudential rulings, highlighting "porous *fatāwā*" that are classically coherent but struggle with modern production and audience. Four patterns are prominent in discussions on music and *nasheed*.

5.2.1 The Instrumentality Test

- Form: This is the most common approach, stating that "Music with instruments (*ma'āzif*) is prohibited, with specific exceptions like the *duff* in certain contexts. Unaccompanied singing (*ghinā'*) is permitted" (IslamQA, 2000).
- Porosity: As shown in the survey results, digital technology enables studios to replicate restricted sounds using only vocal samples and effects, thereby bypassing the "voice-only" rule that resonates with laypeople. This shifts the legal debate to tool identification rather than the ruling's intent, focusing on regulating the sound's impact and what it displaces.

The *duff*'s permissibility also raises questions. Is it its sound or its Sunnah precedent that makes it permissible? If the *duff* was used to play secular tunes, would it still be considered nasheed? Conversely, if another drum mimicked the *duff*'s sound, would it gain the same permissibility? These highlight definitional ambiguities where form-based rulings risk inconsistency.

5.2.2 The Content Test

- Form: This ruling posits that "If the lyrics are good and the content is noble, music may be permitted" (Dar al Ifta, 2013). This approach shifts the focus from the medium to the message, arguing that the ethical value of the content determines its permissibility.
- Porosity: The survey shows that a content-based test fails in two key ways. First, "good content" can still be rejected

if the aesthetic form is culturally coded as haram, as with the Islamic rap track. Second, the absence of “bad content” can be misconstrued as sufficient for permissibility, as with the secular a cappella piece, even when it carries no devotional value and functions purely as *lahw*. Producers can exploit this by offering “clean lyrics” while retaining the same hooks and techniques of mainstream entertainment, turning the test into a subjective tool for post-hoc justification.

The deeper problem is that “good” lyrical themes such as leadership, kindness to parents, benevolence, and platonic love are universal, not uniquely Islamic. Under this criterion, almost any morally uplifting secular song could be deemed permissible, reducing nasheed to a generic category of “acceptable music.” *Fatāwā* that rely solely on lyrical content thus become porous, leaving ample room for laity to rationalize secular consumption through its ostensibly positive themes.

5.2.3 The Context Test

- **Form:** This approach argues for permissibility based on occasion: “Permitted in occasions of joy (like weddings and festivals), gatherings of remembrance, or to drive noble purposes (like motivating soldiers)” (IslamQA, 2000). This ruling historically confined music to specific, bounded social events.
- **Porosity:** In the streaming era, “context” as a regulatory criterion has largely lost its significance. Music is no longer tied to discrete events but pervades daily life—studying, exercising, driving, even sleeping—through curated

playlists such as “Islamic mindfulness” or “halal focus.” The rare-occasion logic assumed by classical jurists is rendered obsolete when almost any activity can be framed as serving a “noble purpose.” Further complications arise with performers whose use of the duff is restricted to weddings or ʻId. Professional skill presupposes regular practice, yet rehearsal itself would fall outside the permitted occasions. The admired quality of festive performance thus depends on an activity that, under strict contextual rules, would be impermissible. This creates a conceptual tension: the very proficiency celebrated in sanctioned contexts cannot exist without unsanctioned practice. Moreover, the quagmire of instruments still exists in this case.

5.2.4 *The Blanket Rule Test*

- Form: This type of *fatwā* takes the form of an absolute ruling: “All singing is unequivocally haram.” (Salamislam, 2021). Its apparent aim is to eliminate confusion by collapsing the entire category into prohibition, thereby removing the need for fine distinctions over instruments, lyrical content, or context.
- Porosity: Despite its rigidity, a blanket prohibition on all nasheed is profoundly porous. Singing is semantically unstable, spanning children’s rhymes, martial chants, wedding songs, and modern studio tracks. Collapsing these into one forbidden category overlooks their diversity, prompting the laity and even scholars to preserve favored forms under alternative labels, such as *ḥamd* or *madīḥ nabawī*. The ruling also contradicts

Prophetic precedents permitting festive chants and the duff at weddings and *īd* (Hawramani, 2017), leaving ordinary Muslims with ready counterexamples. This overreach breeds resistance: some dismiss the *fatwā* as harsh, others ignore it, and still others carve out loopholes. Instead of eliminating ambiguity, the *fatwā* multiplies it, airtight in theory but hollow in practice.

Each pattern shows that while *fatāwā* remain internally coherent within classical frameworks, they become porous in the modern soundscape. They cannot anticipate contemporary production ecologies or the heuristics lay audiences use, such as “Muslim artist,” “no instruments,” or “Islamic theme.” The scholar’s *ta’rif*, rooted in textual heritage, diverges from the laity’s, shaped by streaming platforms, global genres, and pop-cultural codes. This misalignment is definitional drift: the *fatwā* is sound in form but loses authority because it addresses a definition no longer inhabited by the community. My aim here is not to resolve the debate over music’s permissibility but to use it as a diagnostic case, illustrating the quagmire that arises when scholarly discourse and lay understanding drift apart.

5.3 Re-anchoring the Ruling: Methodological Pathways for Closing the Semantic Gap

5.3.1 Revitalizing ‘Urf through Empirical Inquiry and Semantic Diligence

The diagnosis of definitional drift and the resulting porosity of *fatāwā* necessitates a constructive response. The challenge is not to abandon the principles of *fiqh* but to revitalize its methods to address contemporary complexities. Closing the semantic gap requires a renewed use of classical tools,

particularly *'urf*, adapted to a digitally saturated and globalized world. Jurists can no longer rely on assumed or anecdotal knowledge of communal customs (Shabana, 2010); the maxim *al-'ādah muḥakkamah* ("custom is authoritative") still applies, but today's "local culture" for young Muslims is as much digital as physical. Accordingly, *fatwā* bodies and scholarly institutions must institutionalize *fiqh al-wāqi'* (understanding contemporary reality), moving beyond textual analysis to include empirical inquiry. This does not require sophisticated sociological laboratories, but it does necessitate systematic engagement to ensure that rulings align with the semantic worlds in which Muslims actually live. Some of these are:

- a. Diagnostic Surveys: Small-scale surveys, like the one used in this paper, can be powerful tools for mapping a community's conceptual landscape and identifying points of semantic confusion before a ruling is issued.
- b. Media Analysis: Scholars should engage in systematic analysis of how terms are used on social media, in popular culture, and in marketing to understand the "Definition B" held by the laity (Zaid et al., 2022).
- c. Interdisciplinary Consultation: Engaging with domain experts, e.g., sound engineers, digital marketers, sociologists of youth culture, and clinical psychologists, is no longer a luxury but a necessity for understanding the functional reality of the phenomena under review.

The objective of this empirical turn is to map the laity's operative definitions before issuing a ruling, ensuring that scholars engage the community's actual conceptual world rather than an imagined one. I term this process semantic

diligence: the effort to secure alignment between scholarly and lay definitions on contested subjects. While the systematic investigations outlined above aim toward such alignment, I acknowledge that these recommendations remain limited without concrete institutional mechanisms. Future work must examine how *fatwā* councils can systematically integrate diagnostic tools into their procedures. Possible pathways include establishing dedicated research units, deploying light surveys before issuing rulings on contested terms, forming consultative boards that include domain experts, and conducting periodic semantic audits. Without such structures, semantic diligence risks remaining a noble aspiration rather than a lived institutional practice.

5.3.2 *The Imperative of *ijtihād* in a Technologically Saturated World*

Definitional drift is a clear signal that existing categories are insufficient and that fresh *ijtihād* is required. When a new phenomenon emerges, such as AI-generated art, studio-produced nasheeds, or smart contracts, that does not fit neatly into classical classifications, it triggers renewed legal reasoning. Relying on a simple analogy (*qiyās*) can be misleading if the underlying cause (*illa*) has shifted.

This necessary *ijtihād* must be interdisciplinary. To issue a sound ruling on a digital phenomenon, a jurist must understand its technical mechanics, its sociological impact, and its psychological effects (Rabiū et al., 2025). The challenges of globalization and the digital age make this renewal of *ijtihād* not just an option but a necessity for the continued relevance and intellectual vitality of *fiqh* (O'g'LI, 2025).

6. CONCLUSION

Contemporary Islamic jurisprudence is weakened by "definitional drift"—when scholars and laypeople use the same terms but have different understandings of the concepts. A study on music and nasheed showed that lay classifications are guided less by *fiqh* categories than by cultural aesthetics, branding, and sonic heuristics. This leads to porous *fatawā*, resulting in misunderstandings, confusion, and resistance. To mitigate this, semantic diligence is needed: testing definitions against current usage, specifying their scope, and shifting to function-based criteria. This involves revitalizing '*urf* through the use of empirical tools and fresh *ijtihād*. By embedding this diligence, rulings will be clearer, less misinterpreted, and more binding, bridging the gap between scholars and communities, and keeping Islamic law relevant in the digital age.

REFERENCES

Aladağ, Ö. F. (2023). International Strategies of Islamic Financial Institutions: Current Challenges and Future Trends. *Kocatepe İslami İlimler Dergisi*, 6(Ozel Sayı), 202–216. <https://doi.org/10.52637/kiid.1352334>

Al-Alwani, T. J. (2005). *Issues in Contemporary Islamic Thought*. IIIT.

Alasmari, M. A. M., & M Aljohani, M. B. (2024). The independence of the science of jurisprudence is a study in the concept and a cause of disagreement. *International Journal of Religion*, 5(2), 391–395. <https://doi.org/10.61707/w2yjtx37>

Alkan, A. (2024, December 12). *Music in Islamic jurisprudence: Issues and proposed solutions*. Scandinavian University Press / Universitetsforlaget AS. https://www.researchgate.net/publication/393661946_MUSIC_IN_ISLAMIC_JURISPRUDENCE_ISSUES_AND_PROPOSED_SOLUTIONS

Al-Mansouri, E. (2025). Is bitcoin haram in Sharia? A methodological critique of the prohibition fatwa. *Journal of Balkan Economies and Management*, 1(2), 83–156. <https://doi.org/10.51331/bema06>

Al-Yahyai, F., Al-Amri, M., Heiba, E., & Mansour, H. (2019). Islamic manuscripts art in Arabic and Persian schools: The artistic and aesthetic values. *Art and Design Review*, 07(02), 89–114. <https://doi.org/10.4236/adr.2019.72009>

Andriyaldi, A. (2022). Al-'Urf Theory and Its Relevance to Contemporary Jurisprudence Issues. *Al Hurriyah: Jurnal Hukum Islam*, 6(2), 29. <https://doi.org/10.30983/alhurriyah.v6i2.4784>

Anggreani, M. N., & Rafi'i, M. (2025). Digital Faith: How Social Media Shapes the Religious Identity of Muslim Youth— Proceedings *International Seminar on Islamic Studies*, 6(1).

Dar al Ifta. (2013, July). *What is the ruling concerning Music?* Egypt's Dar Al-Ifta. <https://dar-ifta.org/en/fatwa/details/4866/what-is-the-ruling-concerning-music>

Deuraseh, N., & Bte Pg Mohd Anuar, S. R. N. (2023). Halal media and entertainment in creating job opportunities in Brunei Darussalam. *Journal of Halal Science and Technology*, 1(2), 1–11. <https://doi.org/10.59202/jhst.v1i2.388>

Douglass, C. H., Borthwick, A., Lim, M. S. C., Erbas, B., Eren, S., & Higgs, P. (2022). Social media and online digital technology use among Muslim young people and parents: Qualitative focus group study. *JMIR Pediatrics and Parenting*, 5(2), e36858. <https://doi.org/10.2196/36858>

Duarte, F. (2024, December 10). Music Streaming Services Statistics (2025). *Exploding Topics*. <https://explodingtopics.com/blog/music-streaming-stats>

Hawramani, I. (2017, July). *Ikram Hawramani*. IslamQA: Listening to Music Is Permissible in Islam.

<https://hawramani.com/listening-to-music-is-permissible-in-islam/>

Hawramani, I. (2018). *A traditionalist critique of the Islamic prohibition on taṣwīr (making drawings and statues of humans and animals)*. Hawramani.Com. <https://hawramani.com/a-traditionalist-critique-of-the-islamic-prohibition-on-taswir/>

Hidayat, E. (2025). The Concept of Taghyir in Al-Bazdawi's Usul al-Fiqh and Its Relevance to Contract Law in the Compilation of Islamic Economic Law in Indonesia. *International Journal of Fiqh and Usul Al-Fiqh Studies*, 9(1), 91–104. <https://doi.org/10.31436/ijfus.v9i1.362>

IslamQA. (2000, July 1). *Is music haram?* Islam-QA. <https://islamqa.info/en/answers/5000/is-music-haram>

Jalili, I. J., Taman, B. T., Ulfa, F. U., & Solihu, A. K. H. (2024). The Implementation of Tanqih al-Manath Theory in Ushul al-Fiqh: An Analysis of Marriage Law Issues in Indonesia. *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan*, 11(2), 401. <https://doi.org/10.29300/mzn.v11i2.4828>

Kamali, M. H. (2003). *Principles of Islamic jurisprudence*. Islamic Texts Society.

Kuehn, S. (2023). Contemporary Art and Sufi Aesthetics in European Contexts. *Religions*, 14(2), 196. <https://doi.org/10.3390/rel14020196>

Morrisey, F. (2024). The Status of Music in Islamic Law: Ibn Hajar al-Haytami's (d. 974/1567) Treatise Against Recreation in its Polemical Context. *Islamic Law and Society*, 31(3), 194–234. <https://doi.org/10.1163/15685195-bja10053>

Muslimin, J.M., Iskandar, R.F., & Fatma, Y. (2021). Islam and medicine: A study on the fatwa of the Indonesian Ulama Council on vaccines. *Al-Istinbath : Jurnal Hukum Islam*, 6(1), 85. <https://doi.org/10.29240/jhi.v6i1.2496>

O'g'LI, Q. A. M. (2025). Challenges of Studying Islamic Jurisprudence in the Era of Globalization. *European Journal of Interdisciplinary Research and Development*, 36(2720–5746).

Rabiu, A. A., Noormerican, A. M. bin M., & Al Murshidi, G. (2025). Ethics in the digital age: Exploring the ethical challenges of technology. *Journal of Information Systems and Digital Technologies*, 7(1).

Ridwan, M. S., Abdullah, W., & Idham, I. (2024). Public Perception of Polygamy in Makassar, Indonesia: A Cultural Perspective and Islamic Law. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 8(1), 20. <https://doi.org/10.22373/sjhk.v8i1.15419>

Salamislam. (2021, January 22). *Is singing in Islam allowed?* Salamislam.
<https://salamislam.com/articles/lifestyle/singing-islam-allowed>

Saputra, A., & Asbi, E. A. (2025). Islam, big data, and digital ethics: Challenges in religious life in the digital age. *Pharos Journal of Theology*, 106.4. <https://doi.org/10.46222/pharosjot.106.4022>

Shabana, A. (2010). From Ādah to ĀUrf: Theological Foundations of the Concept of Custom as reflected in the Debate over Causality. In *Custom in Islamic Law and Legal Theory* (pp. 59–70). Palgrave Macmillan US. https://doi.org/10.1057/9780230117341_4

Wijaya, I. S., Tahir, M., Saputranur, & Handari, S. (2024). The role of piety (taqwa) and gratitude (syukur) in Islam on human emotional intelligence. *Pharos Journal of Theology*, 105(2). <https://doi.org/10.46222/pharosjot.105.24>

Zaid, B., Fedtke, J., Shin, D. D., El Kadoussi, A., & Ibahrine, M. (2022). Digital Islam and Muslim millennials: How social media influencers reimagine religious authority and Islamic practices. *Religions*, 13(4), 335. <https://doi.org/10.3390/rel13040335>.